

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare – East Godavari District – Revision Petition filed under Section 6 of A.P.S.A.L.T.R. 1959, by Geerreddy Nuka Raju S/o Rama Swamy R/o Yerrampadu (V) Rajavommangi (M), East Godavari against the orders of the Additional Agent to Government, Rampachodavaram in CMA No:31/2005, Dated:25-6-2005 – Dismissed – Orders – Issued.

SOCIAL WELFARE (LTR-2) DEPARTMENT

G.O. Ms.No. 211

Dated:20-11-2008

Read the following:

1. From Sri. Sanaka Narasimha Rao, Counsel for the Petitioner Revision Petition dt:24-9-2005.
2. From Hon'ble High Court of Andhra Pradesh in W.P No.22698/2005 dt:21-10-2005.
3. Government Memo No.1266/LTR-2/2006, dt:17-6-2006.
4. From Project Officer, ITDA, R.C. No.T8/CRP.1266 of 2006 dt:12-9-2006
5. Government. Memo No.1266/LTR-2/2006 dt:23-8-2007.

ORDER:

In the reference 1st read above Sri Geerreddy Nuka Raju S/o Rama Swamy R/o Yerrampadu (V) Rajavommangi (M), East Godavari has filed a Revision Petition along with stay petition before the Government against the orders of the Additional Agent to Government in CMA No.31/2005 dt:25-6-2005 in respect of lands admeasuring Acres 3.40 cents in Sy.No.9 of Yerrampadu (V) Rajavommangi (M) of East Godavari. The main grounds of the appellant in the Revision Petition among others are:-

- i) The Government authorities cannot take away the lands which were reclaimed and made cultivation by the petitioner.
- ii) The prohibition applies to transfer of lands by Tribals to Non-tribals after the regulation came into force.
- iii) The petitioner started cultivating of the land even prior to 1970 and paying land revenue to the Government.

2. The brief history of the case is the Special Deputy Tahasildar (TW), Rajavommangi had filed the case in respect of land measuring Acres 3.40 cents in Sy No.9 of Yerrampadu (V), Under Section 3 of Andhra Pradesh Scheduled Areas Land Transfer Regulation 1/1959 as amended by 1/70 before the Special Deputy Collector (TW) Rampachodavaram. Since the revenue records shows that the Petitioners Schedule land is 'Gajalu' land under encroachment of Geerreddy Nuka Raju. The Special Deputy Collector (TW), Rampachodavaram, East Godavari District after detailed enquiry, ordered for ejection of non-tribals from P.S. Land and for restoration of the land to the Government for onward assignment to eligible tribals vide LTRP No.238/2004 dt:29-12-2004. Aggrieved by the order of the Special Deputy Collector (TW), the Revision Petitioner herein filed an appeal before the Additional Agent to Government. The Additional Agent to Government, after examination of the case records and written arguments, observed that there is no dispute to the fact that the P.S land is a Government land and the land is situated in scheduled area and the appellant is Non-Tribal. The appellant Sri Geerreddy Nuka Raju (Non-Tribe) has not produced any proof of title over the land and it has been an encroachment as admitted by the Sri Geerreddy Nuka Raju in his argument that he brought the Government Land into cultivable land. It is now well settled that the Regulation has been specifically brought out with a view to regulate transfer of the landing scheduled areas. The Additional Agent to Government concluded that the Appellant Sri Geerreddy Nuka Raju being a Non-Tribal encroached the P.S land situated in the scheduled area without any rightful ownership and title which is not-tenable and violative Under Section 3(1) (a) of Regulation 1/1959 as amended by 1/70. The Additional Agent to Government finally dismissed the appeal and upheld the orders of the Lower Court in LTRP No.238/2004, dated:29-12-2004 of the Special Deputy Collector (TW), Rampachodavaram, vide CMA No.31/2005, dated:25-6-2005.

3. In the reference 3nd read above, the Agent to Government Rampachodavaram was requested to furnish Para-wise remarks and case records and the same were furnished in

reference 4th read above. After examination the case records notices were issued to the concerned to attend the hearing of the Revision Petition on 31.8.2007. Petitioner was absent and counsel for the petitioner was present and argued corroborating grounds of the Revision Petition.

4. Government after examination of the material evidence available on record observed that:-

- i) The disputed land i.e. Ac.3.40 in Sy.No.9 in Yerrampadu Village of Rajavommangi Mandal in EG Dist. is a Government land illegally occupied by the petitioner. The petitioner also admitted the said fact in the lower courts.
- ii) The petitioner failed to produce any valid documentary support to prove his rightful ownership.
- iii) The illegal occupation of the Government land in the Scheduled Areas by the non-tribal is objectionable as per the Revenue Boarding Standing Orders and also the A.P. Land Encroachment Act, 1905, as that the petitioner's occupational right is prima-facie is illegal and cannot be ratified at any time. The period of occupation cannot be considered basing on the G.O.Ms.No.971, dt:7-10-1969 which prohibits all assignments of Govt. lands in agency area in favour of Non-tribals.
- iv) The occupation of Govt. land by the petitioner in the scheduled area is null and void and occupation itself is a notice under the law and therefore it is not violative of the principles of natural justice.
- v) The petitioner says that there is no transfer of the land either by way of purchase or by any other way of transfer to attract under APSALTR, but in the entire proceedings of the lower court and the appellate court, he failed to file any evidence and as to in what manner the land had come into possession and enjoyment.

5. Government after careful examination of the case records, find no reason to interfere with the order of the Additional Agent to Government, Rampachodavaram in CMA No:31/2005 dt:25-6-2005 and accordingly dismiss the Revision Petition. The stay granted by the Hon'ble High Court of Andhra Pradesh in W.P No:22698/2005 will become inoperative.

6. The Collector, East Godavari District / Additional Agent to Government, Rampachodavaram are requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

A.K.TIGIDI,
Prl. Secretary to Government.

To

The Collector, East Godavari District.

(with RPAD of the following records)

1. CMA No.31/2005 pp 1-35 only.
2. LTRP No.238/2004 pp 1-44 only.

The Special Deputy Collector (TW), Rajavommangi (M), East Godavari.

The Special Deputy Tahasildar, Rajavommangi (M), East Godavari.

Sri. S.R. Sanku, Advocate,

Tarani, Plot No.3, H.No.11-20-5,

Behind Huda Complex, Saroor Nagar, Hyderabad.

Sri Sri Geerreddy Nuka Raju S/o Rama Swamy,

R/o Yerrampadu (V) Rajavommamgi (M), East Godavari District.

Copy to the P.S to M (TW&RAID).

SF /SC

// FORWARDED BY ORDER //

SECTION OFFICER